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# Alan Dershowitz Gets Rival Lawyer Booted From Epstein Victim's Case

A judge denied the Harvard lawyer's attempt to dismiss a case brought by an Epstein victim against him, but ruled that his nemesis David Boies could no longer represent the woman.

Kate Briquetelet Updated 10.16.19 5:28PM ET  
Senior Reporter Published 10.16.19 2:34PM ET



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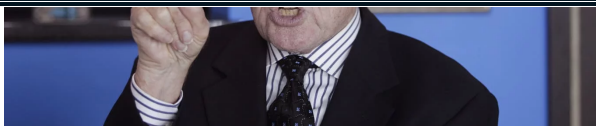
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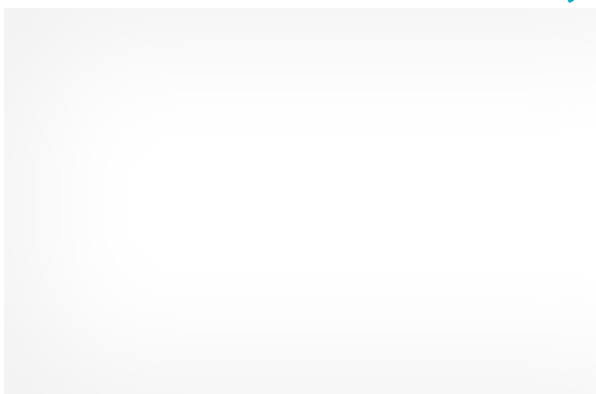
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Alan Dershowitz may have lost his battle to dismiss a defamation lawsuit brought by Virginia Roberts Giuffre—who claims [Jeffrey Epstein](#) kept her as his “sex slave” and forced her to have sex with Dershowitz.

But the Harvard Law professor scored his own victory: persuading a federal judge to disqualify Giuffre’s attorney, David Boies, and his firm, from her case.

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In an opinion filed Wednesday, U.S. District Judge Loretta Preska said she would deny Dershowitz’s motion to dismiss the case—Dershowitz claims Giuffre is

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a blow to Boies, who's

sparred with Dershowitz for


decades, and Sigrid

McCawley, a partner at the firm who represents multiple victims of Epstein.

In a statement, McCawley said her firm would appeal Preska's decision to remove them from Giuffre's litigation in Manhattan federal court.

"Today's decision rejects Alan Dershowitz's chronic capacity to make this case about anything but the facts and what he has been accused of by our client, Virginia Giuffre. The defamation case against Alan Dershowitz is going forward and he will have to face justice," McCawley, a partner at Boies Schiller Flexner LLP, said in a statement.

"The decision, however, to disqualify our firm, which has had the privilege of representing Virginia and advocating for her brave voice and continued call for justice, is deeply disappointing and it will be



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The order comes almost a month after Giuffre's and Dershowitz's legal teams faced off during oral arguments, after which Dershowitz held a press conference and accused Giuffre and her advocates of doing “a terrible disservice” to the #MeToo movement.

Boies and his firm have represented Giuffre for years, including in a separate

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providing a deeper look into the sexual abuse allegations against Epstein and his powerful friends.)

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Dershowitz, 81, argued the 78-year-old Boies should be booted from his case based on a conflict of interest: He was briefly a client of Boies' firm and says he provided an attorney with confidential information related to his fight against Giuffre's accusations. The professor also argued Boies and his firm's attorneys would be called as witnesses in Giuffre's case.

The latter argument was more significant, according to Preska's order, which noted, "Because disqualification is so clearly required under the advocate-witness rule, the

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attorney cannot represent a party where the attorney will be called as a witness. “The rule differentiates between an attorney who will be called on behalf of his client and an attorney who will be called as a witness other than on behalf of his client,” Preska wrote in her order.

“A lawyer may also not act as an advocate where ‘another lawyer in the lawyer’s firm is likely to be called as a witness on a significant issue other than on behalf of the client, and it is apparent that the testimony may be prejudicial to the client,’” Preska added.

“**Dershowitz  
went looking  
for trouble,  
and by his  
repeated  
affirmative  
republications,**

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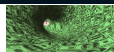
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In her complaint, Giuffre said Dershowitz's statements that she conspired with her lawyers to extort him and Epstein's associate and client Les Wexner are false. She also referenced a secretly-recorded phone call between Dershowitz and Boies; Dershowitz says Boies declared on the call that Giuffre was "simply wrong" in her accusation, while Giuffre has said Boies' assertions were taken "out of context."

"By so pleading, Giuffre made the truth of these statements ... a necessary—indeed essential—part of the Complaint," Preska ruled.

"Dershowitz's allegation of an extortion conspiracy is no mere throwaway line," the judge added of Giuffre's

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that Giuffre committed

perjury and that she and her attorneys ‘hatched a scheme to falsely accuse Dershowitz of sex trafficking as part of a criminal attempt to extort a settlement from another party.’”

Giuffre must prove at trial that Boies Schiller Flexner (BSF) lawyers didn’t participate in the extortion scheme Dershowitz has alleged.

“Either way, BSF is immersed in the facts it pled,” Preska stated.

“Again it is essential to follow the litigation jujitsu at work here,” the judge continued.

“Giuffre says Dershowitz defamed her by falsely saying she and BSF engaged in an extortion scheme; Dershowitz says he said it and it is true. Giuffre’s burden is to prove it is false in the face of Dershowitz’s vehement claim that it is true.”

According to Preska’s order, new counsel for Giuffre and Dershowitz’s legal team must

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on Wednesday following the ruling: "I am grateful for the Court's decision to deny Alan Dershowitz's shameful attempt to dismiss my defamation case against him. I will no longer be silenced. I will no longer be shamed. I will see Alan Dershowitz in a court of law," she said.

"But I am dismayed by the Court's decision in this case to deprive me of my counsel. For over five years, my lawyers at Boies Schiller Flexner have worked tirelessly to bring Jeffrey Epstein and his co-conspirators to justice. When it was not in vogue and not a breaking news story, my lawyers Sigrid McCawley and David Boies stood up to the muscle of the Epstein machine and its grip on the legal system. It is no surprise that Alan Dershowitz, who was part of Epstein's ecosystem of power and privilege, is attempting to manipulate the legal system in the face of the serious charges I have brought

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Dershowitz's attorney, Imran H. Ansari, said the academic is "pleased" with Preska's decision to remove Boies from the case.

"Disqualification is clearly required by the advocate-witness rule and by the very allegations made by the Plaintiff in her own Complaint," Ansari said in a statement. "Professor Dershowitz will call David Boies and his colleagues at trial to prove that their client—in Boies' own words—is 'wrong... simply wrong' in accusing him. Any appeal taken of Judge Preska's decision regarding disqualification will be met with stiff opposition by Professor Dershowitz."

Meanwhile, Dershowitz argued Giuffre's complaint should be dismissed because the statements he made in 2018 and 2019—calling her a "total liar" who fabricated allegations against him for money—are "substantially identical" to statements he made in 2015 and therefore

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Dershowitz “admits he took affirmative steps to republish his prior statements to defend himself and his reputation by influencing new audiences or re-influencing old audiences.”

“Said differently, Dershowitz went looking for trouble, and by his repeated affirmative republications, he found it.”

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**‘YOU’RE FIRED, JOHN BOLTON, BUH-BYE...’**

***Trump and  
‘Apprentice’ Creator  
Mark Burnett Are  
Discussing Their  
Next TV Show***

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**Lachlan Cartwright** Senior Reporter

Updated 11.07.19 8:04AM ET

Published 11.07.19 5:03AM ET



He's signed a massive tax cut into law, stacked the federal courts, waged a trade war against China, and eliminated the leader of ISIS—and yet, Donald Trump still longs for his job as a reality-TV host.

Since taking office in early 2017, the president has confided to close associates that he misses hosting *The Apprentice* and *The Celebrity Apprentice* on NBC, the reality-TV staples he left behind to become the Republican Party standard-bearer and then the leader of the free world. Trump has waxed nostalgic about how he created what he sees as the greatest thing reality television has ever seen. Two sources who've spoken to him recall Trump saying that he will perhaps one day revisit the medium.

And it may not just be fits of

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close to Trump, *Apprentice* creator Mark Burnett and the president have sporadically kept in touch, mostly over the phone, since Trump won the election. The pair remain friends, these sources say, and have discussed reviving their creative partnership, pitching each other details on potential TV projects to be filmed after the Trump presidency.

One of the ideas kicked around by Burnett and the president was shooting a new version of the Trump-branded *Apprentice*, tentatively titled *The Apprentice: White House*, and to produce it shortly after the president leaves office. This time, however, the TV program would be explicitly politics-themed and take full advantage of Trump's status as a former president of the United States and a newfound Republican kingmaker.

"There have been several discussions between Burnett and Trump about *The*

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Burnett thinks could be a money-spinner and Trump is very keen on doing.”

Another one of the knowledgeable sources said, “They actually talked about an *Apprentice: White House*,” but conceded that “as far as I know, the discussion did not go far.”



The relationship between Burnett and Trump has been an object of immense speculation and fascination since the former began his political rise.

Their work together hit its peak in the early and mid-Aughts. And they grew so close that Burnett’s son Cameron was the ring-bearer at Trump’s 2005 wedding to Melania. During the campaign, Burnett faced intense pressure to release unaired footage of *Apprentice* tapings after it became clear that the behind-the-scenes drama showed Trump in a highly unfavorable light. The future

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*Celebrity Apprentice*, and  
mocked actress Marlee  
Matlin as “retarded” simply  
because she was deaf.

Burnett declined to make any  
footage public or to let  
former contestants out of  
their nondisclosure  
agreements. But shortly  
before Trump was elected  
president, he did go out of his  
way to denounce the “hatred,  
division, and misogyny that  
has been a very unfortunate  
part of his campaign.” The  
statement came in the midst  
of a flood of sexual-  
misconduct and assault  
allegations that were publicly  
made against Trump shortly  
after the October 2016  
publication of the infamous  
“grab ’em by the pussy” tape.

After Trump won the  
election, however, Burnett  
was ready to put all that  
bigotry and sexism behind  
him. He buddied back up to  
Trump and even played a role  
in the inauguration, trying—  
largely unsuccessfully—to  
recruit musicians to perform

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relationship to the president.

“Mark would say ‘My relationship with the president is incredibly strong. I’m the most powerful person in Hollywood because of it. I could wipe the floor because of it.’ Mark has no shame.”

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A spokesperson for Burnett told The Daily Beast: “The quoted statements attributed to Mr. Burnett are absolutely false. Among other things, The president and Mr. Burnett have not discussed making television shows in any shape or form.”

White House spokespeople did not provide comment for this report.

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Schwarzenegger, was produced by NBC and Burnett, though that incarnation went bust after one season. In early 2017, Schwarzenegger announced he would be leaving the show, and blamed its failure on Trump's divisiveness, to which the president, naturally, took umbrage.

"Arnold Schwarzenegger isn't voluntarily leaving the Apprentice, he was fired by his bad (pathetic) ratings, not by me. Sad end to [a] great show," Trump tweeted.

It wasn't a one-off. Well into the third year of his presidency, Trump continued to wield *The Apprentice* and *The Celebrity Apprentice* not only as a source of pride, but also as a cudgel against political enemies, media foes, and Hollywood antagonists.



Donald J. Trump  
@realDonaldTrump

So funny to watch Little Donny Deutsch on TV with his own failing show. When I did The

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though he (& Erin) had very little..

♡ 82.6K 4:33 PM - Aug 11, 2019 ⓘ

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And, through it all, he has touted his relationship with Burnett. At a rally last year in Richfield, Ohio, he told the crowd, “I got a call from Mark Burnett! He did *The Apprentice*, he’s a great guy. He said, ‘Donald, I called just to say hello and to tell you, did you see Roseanne’s ratings?’ “I said, ‘Mark, how big were they?’ ‘They were unbelievable! Over 18 million people!’”



Donald J. Trump @realDonaldTrump

To all my fans, sorry I couldn’t do The Apprentice any longer—but equal time (presidential run) prohibits me from doing so. Love!

♡ 3,296 11:39 AM - Sep 14, 2015 ⓘ

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while a contestant on

*Survivor* and the first hit

season of *The Apprentice*,

and went on to become a

senior official in the Trump

administration, told The

Daily Beast that Trump and

Burnett were extremely

close.

“The last time I was in a room

with Trump and Mark

Burnett was at the prayer

breakfast right after he got

elected,” Manigault Newman

said. “In the green room, we

all laughed about the

*Apprentice* days and how

we’ve come from there.

Trump and Burnett were

truly the best of buds.”

Newman has since had a

falling out with the president,

to whom she once pledged

her undying fealty and now

bashes as a mentally unstable

racist. And when told of the

concept of *The Apprentice*:

*White House*, she called the

idea “so absurd.”

“It’s already a reality show,”

she said.

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tal-etched, however. He almost didn't become president, after all, because he loved that world so much.

As early as 2013, back when "President Trump" was little more than an old, throw-away *Simpsons* joke, he had reservations about entering politics because of the sacrifices he'd have to make.

"[Trump] talked about whether if he ran for [New York] governor, or if he ran for president, if he had to quit the show because he really liked it," said Michael Caputo, a former Trump adviser and then 2016 aide, recalling conversations they had when Caputo was advising him in 2013 and 2014. "That consideration came up multiple times. It appeared to be a pretty profitable business deal for him and he didn't want to give that up."

Caputo also recounted a specific moment in May 2016, when Trump invited conservative-media figures

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campaign office in Trump

Tower was on the [former] soundstage of *The Apprentice* down on the fifth floor... The bathrooms they built on the fifth floor to service the crew of *The Apprentice* were the same bathrooms we used [for 2016 staff],” Caputo said.

“When [Trump] came in and did a taping of *Hannity* in the campaign office, *Hannity* was there and Matt Drudge, separately, was there, and he mentioned that this was actually the *Apprentice* set.”

Sam Nunberg, another former political adviser to Trump, recalled his former boss appearing noticeably crestfallen at the thought of losing *The Apprentice* to the campaign trail.

“The day that NBC announced that Donald Trump would no longer be able to host *The Apprentice* in 2015 was one of the very few times I’ve ever seen the [then-future] president visibly upset in immediate reaction to news,” Nunberg said.

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ironywood, politicians, network executives, network hosts—would call his office in Trump Tower, he would often let people sit there and listen as he talked to them; occasionally, he would put them on speakerphone. But when Mark Burnett called, which was frequent [between 2013 and 2015], Trump would politely tell everyone else to ‘get out’ of his office.”

Ironically, one of President Trump’s central gripes in recent months regarding his predecessor, Barack Obama, is the imagined corruption that the former president engaged in by securing a major entertainment and production deal with Netflix in his post-presidency life.

But if Trump’s conversations with Burnett are of any indication, it appears that the sitting president is yearning for his own version of “Obama Netflix.” And according to those who know Burnett, the reality-TV kingpin is similarly champing at the bit.

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Chairman of MGM

Worldwide Television Group,  
says Burnett would be  
motivated by only one thing  
in continuing his working  
relationship with Trump.

“Mark has one religion and  
that’s money,” the person  
said.



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